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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9438 of 2026

Gurudev Singh Birk S/o Suveg Singh Aged About 54 Years Mohkam Wala Alias Araiya Wala Police Station Makhu, Tehsil Zira, District Ferozpur Punjab (Name Of Applicant Correctly Mentioned In The Cause Title) **... Applicant**

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Date: 2026.10.27 10:21:15 +0530

versus

State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar, Distt. Durg Chhattisgarh **... Non-Applicant**

For Applicant	:	Ms. Mugdha Sharma, Advocate.
For Non-applicant/State	:	Mrs. Sameeksha Gupta, Panel Lawyer.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

26/10/2026

1. **First Bail application** was rejected vide order dated 26.11.2025 passed in MCRC No.7677/2025 on the ground that the illegal contraband ganja was seized from the exclusive possession of the applicant and there are two criminal antecedents of similar nature.

2. This is the **Second Bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.147/2025 registered at Police Station Mohan Nagar, District Durg (C.G.), for the offence punishable under Sections 21(b), 27(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act).

3. As per the case of the prosecution, on a secret information that one person is standing near Krishi Upaj Mandi with intention of selling contraband, a raid was conducted and the applicant along with other co-accused persons were apprehended and total 150 gms of Heroine was alleged to be seized from the present applicant. Upon completion of investigation, the police has filed charge-sheet and as per the FSL report, seized contraband contained Di-Acetyl Morphine. On such allegations, the police registered the offence as stated above.

4. Learned counsel for the applicant would submit that the first bail application was rejected on the ground that the illegal contraband substance was seized from the exclusive possession of the applicant; there is one criminal antecedent of similar nature, but the same has already been disposed of; the applicant has been acquitted by the competent court vide judgment dated 17.07.2018; quantity of seized contraband article is of intermediate quantity; charge-sheet has already been filed; applicant is in jail since 18.04.2025 and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

5. On the other hand, learned counsel for the State would oppose the submissions advanced by the learned counsel for the applicant. She would submit that contraband article was seized from the possession of the applicant; although the applicant has one criminal antecedent of similar nature and the same has been disposed of, but the applicant is habitual offender, therefore, the bail application deserves to be rejected.

6. I have heard learned counsel appearing for the parties and perused the

case diary.

7. Having considered the fact that though there is one criminal antecedent of similar nature, but the same has already been disposed of and the applicant has been acquitted by the competent court vide judgment dated 17.07.2018; further considering that quantity of contraband substance is of intermediate quantity; the charge-sheet has already been filed; applicant is in jail since 18.04.2025 and conclusion of trial may take some considerable time, I am inclined to grant bail to the applicant. Accordingly, the instant bail application is **allowed.**

8. It is directed that the applicant shall be released on bail on his furnishing a **personal bond** in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &
(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. The observation made herein above is for the purpose of deciding this bail application only and the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani